REMARKS/ARGUMENTS

Claim 14 was amended to indicate dependency upon claim 11 where the term "said second network" is defined. Claims 1 and 21 were amended to include the limitations of claims 2 and 3. Claims 2, 3 and 22, 23 were cancelled. Claims 17 and 37 were amended to correct the claim dependency. Claims 4-16, 18-20, 24-36, 38-40 remain unchanged.

Claim 14 was amended to indicate claim dependency upon claim 11 where the term "said second network" is defined thereby providing antecedent basis for this limitation. It is believed that this amendment overcomes the 35 USC 112 rejection.

The Examiner rejected independent claim 1 under 35 U.S.C. 103(a) as being unpatentable over Benson (US Patent 6,747,547) and in view of Arques et al. (US Patent Application Publication U.S. 2004/0131083). We would like to bring to the Examiner's attention that the Benson patent was incorporated by reference in the specification page 9, lines 6-9.

The Examiner stated that "Benson differs from claim 1 of the present invention in that it does not disclose the mobile phone manages communication with said server device utilizing SIM Application Toolkit commands to invoke the Bearer Independent Protocol described in the European Telecommunications Standards Institute document ETSI TS 101 267 (3GPP TS 11.14)".

The Examiner then argued that "Arques et al. teaches a system (fig.1) wherein a mobile station SIM card allows a distant server to perform authentication a subscriber identity using SIM Application Toolkit commands to invoke the BIP described in the European Telecommunications Standards Institute document ETSI TS 101 267 (3GPP TS 11.14) (paragraph 0007 line 1 to paragraph 8 line 10)".

We respectfully disagree with the above mentioned statement regarding Arques et al teachings. After careful reviewing of Arques et al. (paragraph 0007 line 1 to paragraph 8 line 10), we find the following differences.

1. Arques et al does not make any reference to authentication services

2. Arques et al. describes "communication within a mobile station 10 composed of an item of mobile equipment ME, a telephone in the example, and a smart card SIM." Arques et al. continues in paragraph 0008 " In the example in question, the communication between the SIM card and the mobile equipment ME is governed according to the BIP protocol". In other words, Arques et al. does not teach communication between the ME and a distant server utilizing the BIP protocol, but communication between a SIM card and the ME utilizing the BIP protocol.

Contrary to Arques et al., claim 1 of the present invention refers to communication between a mobile communication equipment (mobile device 110, i.e., a phone) and a server device (server 140, i.e., a computer) utilizing the SIM Application Toolkit to invoke the BIP protocol. Referring to FIG. 1 of the present invention, mobile device 110 includes a SIM card 99 and a mobile device attachment 120. The mobile device attachment 120 includes a "mobile transaction client application (i.e., a software) 125 that utilizes the BIP protocol to open a communication channel to the mobile device 110 and to transmit and receive data to server 140". In other words, the present invention claims that the mobile device manages communication with a server device utilizing the SIM Application Toolkit to invoke the BIP protocol. Accordingly, it is believed that claim 1 is patentably different from Arques et al.

Furthermore, since Arques et al does not make any reference to authentication services which is the subject of the Benson patent or to transactions between a mobile device and a server utilizing the BIP protocol, which is the subject of the present invention, there is no motivation to take a random sentence from the Arques et al application (i.e., " In the example in question, the communication between the SIM card and the mobile equipment ME is governed according to the BIP protocol") and combine it with the Benson patent.

Claim 1 was amended to include the limitations of claims 2 and 3, i.e., that the mobile communication device further includes a mobile transaction client application 125 (shown in FIG. 2) for managing the communication from the mobile communication

device to the server device and the server device further includes a mobile transaction server application 141(shown in FIG. 2) for managing communication from the server device to the mobile communication device.

The Examiner argued that Benson discloses a CPU for managing the communication between the mobile communication device and the server and the CPU corresponds to the mobile transaction client application. We respectfully disagree with the Examiner's interpretation of Benson's CPU as being similar to the mobile transaction client application because the CPU or Central Processing Unit is a hardware component whereas the mobile transaction client application is a software application that manages the communication from the mobile communication device to the server device. Furthermore the mobile communication device of this invention also includes a CPU of its own, as stated in claims 17 and 37.

The Examiner also suggested that Benson discloses that the server device further comprises a mobile transaction server application for managing communication from the server device to the mobile communication device. We respectfully disagree with the Examiner's statement since the cited reference column 1, lines 24-34 discusses the function of a SIM module which again is a hardware component, whereas the mobile transaction server application is a software component.

Accordingly it is believed that claims 2 and 3 are patentably distinguishable from Benson and as such render amended claim 1 patentably distinguishable status from Benson alone or in combination with Arques et al.

The Examiner rejected independent claim 21 under 35 U.S.C. 103(a) as being unpatentable over Sato (US Patent Application Publication US 2002/0103009) and in view of Arques et al. (US Patent Application Publication U.S. 2004/0131083).

The Examiner stated that "Sato differs from claim 21 of the present invention in that it does not disclose the mobile phone manages communication with said server device

utilizing SIM Application Toolkit commands to invoke the Bearer Independent Protocol described in the European Telecommunications Standards Institute document ETSI TS 101 267 (3GPP TS 11.14)". The Examiner then argued that Arques et al. teaches a system (fig.1) wherein a mobile station SIM card allows a distant server to perform authentication a subscriber identity using SIM Application Toolkit commands to invoke the BIP described in the European Telecommunications Standards Institute document ETSI TS 101 267 (3GPP TS 11.14) (paragraph 0007 line 1 to paragraph 8 line 10).

We respectfully disagree with the above mentioned statement regarding Arques et al teachings. As we mentioned above, Arques et al does not make any reference to authentication services and does not teach communication between the ME and a distant server utilizing the BIP protocol, but communication between a SIM card and the ME. Accordingly, it is believed that claim 21 is patentably different from Arques et al. and there is no motivation to take a random sentence from the Arques et al application and combine it with the Sato patent.

Claim 21 was amended to include the limitations of claims 22 and 23, i.e., that the mobile communication device further includes a mobile transaction client application 125 (shown in FIG. 2) for managing the communication from the mobile communication device to the server device and the server device further includes a mobile transaction server application 141(shown in FIG. 2) for managing communication from the server device to the mobile communication device.

The Examiner argued that Sato discloses a Hardware Control Unit (HWC 103) for managing the communication between the mobile communication device and the server and that the HWC corresponds to the mobile transaction client application. We respectfully disagree with the Examiner's interpretation of Sato's HWC as being similar to the mobile transaction client application because the HWC is a hardware component whereas the mobile transaction client application is a software application that manages the communication from the mobile communication device to the server device.

The Examiner also suggested that Sato discloses that the server device further comprises a mobile transaction server application for managing communication from the server device to the mobile communication device. We respectfully disagree with the Examiner's statement since the cited reference paragraph 79, lines 1-10 discusses the function of a USIM card which again is a hardware component, whereas the mobile transaction server application is a software component.

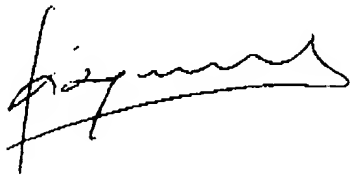
Accordingly it is believed that claims 22 and 23 are patentably distinguishable from Sato and as such render amended claim 21 patentably distinguishable status from Sato alone or in combination with Arques et al.

Claims 4-19 depend directly or indirectly upon claim 1 and claims 24-40 depend directly or indirectly upon claim 21. Since claim 1 is patentably distinguishable from Benson alone or in combination with Arques et al., claims 4-19 are also patentably distinguishable from Benson alone or in combination with Arques et al. Similarly, since claim 21 is patentably distinguishable from Sato alone or in combination with Arques et al., claims 24-40 are also patentably distinguishable from Sato alone or in combination with Arques et al.

In view of the above, it is submitted that all claims are in condition for allowance. Reconsideration of the rejections and objections is requested and allowance of all claims at an early date is solicited.

If this response is found to be incomplete, or if a telephone conference would otherwise be helpful, please call the undersigned at 617-558-5389

Respectfully submitted,



RECEIVED
CENTRAL FAX CENTER
AUG 29 2006

Aliki K. Collins, Ph.D.

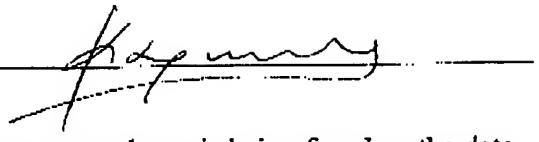
Reg. No. 43,558

AKC Patents, 215 Grove Street, Newton, MA 02466

TEL: 617-558-5389, FAX: 617-332-0371

Certificate of Mailing

Date of Deposit 8/29/2006

Name: Aliki K. Collins, Ph.D. Signature 

I hereby certify under 37 CFR 1.10 that this correspondence is being faxed on the date indicated above and is addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450